

SECOND JUDICIAL DISTRICT COURT  
COUNTY OF BERNALILLO  
STATE OF NEW MEXICO

KATHERINE T. BRUSUELAS,  
DANNY GARCIA,

Plaintiffs,

vs.

NO. \_\_\_\_\_

DANIEL RAMIREZ,  
CON-WAY TRUCKLOAD, INC.,  
LOCKTON COMPANIES,

Defendants.

ENDORSED  
FILED IN MY OFFICE THIS

AUG 05 2009

*Quantita M. Duran*  
CLERK DISTRICT COURT

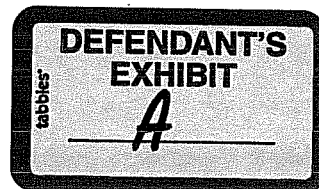
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**COMPLAINT FOR NEGLIGENCE and**  
**COMPLAINT FOR FINANCIAL RESPONSIBILITY**

Come Now the plaintiffs, by and through counsel, undersigned, and for complaint  
plaintiffs state as follows:

- 1) Plaintiffs are resident of and domiciled in the County of Bernalillo, State of New Mexico.
- 2) Defendant DANIEL RAMIREZ is, upon information and belief, a resident of the State of Texas.
- 3) Defendant CON-WAY TRUCKLOADS, INC is a business registered within the State of Missouri.
- 4) On or about Friday, March 07, 2008 at approximately 6:55 PM, plaintiffs KATHERINE T. BRUSUELAS and DANNY GARCIA were lawfully and without negligence whatsoever passengers in a motor vehicle on the public



roadways of Sierra County, State of New Mexico.

- 5) The vehicle occupied by BRUSUELAS and GARCIA, while traveling properly and without negligence whatsoever, was struck by a vehicle driven by DANIEL RAMIREZ resulting in collision, property damage and bodily injury to the plaintiffs.
- 6) DANIEL RAMIREZ was negligent in his operation of his vehicle on or about Friday, March 07, 2008 and his negligent operation caused actual and proximate damages to KATHERINE T. BRUSUELAS and DANIEL GARCIA. The negligence of RAMIREZ included but was in no manner limited to failure to drive with due care for the safety and well being of others.
- 7) DANIEL RAMIREZ was negligent or comparatively negligent in the operation of his vehicle and this proximately, legally and actually caused personal injury damages to the plaintiffs who suffered extensive medical bills, pain and suffering, and loss of enjoyment of life.
- 8) CON-WAY TRUCKLOAD, INC owned the vehicle operated by DANIEL RAMIREZ on or about March 07, 2008 and owed a duty to the plaintiffs for the proper operation and financial responsibility of that vehicle.
- 9) The vehicle operated by DANIEL RAMIREZ on or about Friday, March 07, 2008 was insured by LOCKTON COMPANIES, recognized by the Superintendent of Insurance for the State of New Mexico for purposes of enforcing the New Mexico Mandatory Financial Responsibility Act.
- 10) The defendant's insurance company breached its duty to provide recovery of damages to the plaintiffs pursuant to the New Mexico Mandatory Financial Responsibility Act.

- 11) The defendant was engaged in the use of a distracting apparatus (telephone) and the use of this item was known to cause excessive risks to the motoring public and was in violation of department of transportation regulations applicable to the operation of his big truck.

Now therefore the plaintiffs, KATHERINE T. BRUSUELAS and DANNY GARCIA, pray that the defendants shall be held responsible for their liability and legal damages proximately, legally and comparatively caused and inflicted upon the plaintiffs and for financial responsibility as alleged herein in the amount to be proven at trial on the cause. Plaintiffs also pray for punitive damages in an appropriate amount to deter the intentional use of dangerous devices in violation of department of transportation regulations and for all further and other relief as the court may deem fit in all circumstances including costs of the litigation.

Respectfully Submitted,  
Original Signed By:  
Kimberly S. Brusuelas  
Attorney at Law

Kimberly Brusuelas, Esq.  
Brusuelas & Rane, LLC  
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1015 5th Street, NW  
Albuquerque, NM 87102  
Counsel for Defendant

This will certify that a copy of the foregoing was placed in the District Attorney's incoming basket on July 30, 2009.

Original Signed By:  
Kimberly S. Brusuelas  
Attorney at Law  
Kimberly Brusuelas, Esq.  
Counsel for Defendant